

GUARDIANSHIP and/or CONSERVATORSHIP

1

Temporary Orders for a Minor or Adult (Forms Packet)

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Self Service Center

APPOINTMENT OF A TEMPORARY GUARDIAN AND/OR CONSERVATOR

FOR A MINOR OR ADULT (COURT FORMS ONLY)

How to assemble these documents

This packet contains court forms to get a temporary or emergency guardianship or conservatorship. Be sure the documents are in the following order.

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SELF-SERVICE CENTER

TEMPORARY EMERGENCY APPOINTMENT OF GUARDIAN AND/OR CONSERVATOR FOR AN ADULT OR MINOR

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You want to have the court appoint a guardian and/or conservator for an adult or minor on an emergency basis.
- ✓ The adult or minor lives in Maricopa County.
- ✓ You have filed or will file the court papers for the permanent appointment of the guardian and/or conservator.
- ✓ You believe that the adult or minor needs to have a guardian and/or conservator temporarily and immediately, while you wait for the full court proceeding to take place.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

Name of Person Filing Document: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____

Attorney Bar Number (if applicable): _____

Representing ☐ Self (Without a Lawyer OR ☐ Attorney for _____

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

In the Matter of (check one or both)

☐ Guardianship ☐ Conservatorship of

Case Number: _____

PETITION FOR TEMPORARY APPOINTMENT OF

(Check one box)

☐ Guardian and Conservator

☐ Guardian

☐ Conservator

☐ an Adult or ☐ a Minor

INFORMATION FROM GUARDIANS AND CONSERVATORS, UNDER OATH:

1. Information about person to be protected by this temporary order:

Name: _____ Date of birth: _____

Address: _____ Driver's license number: _____

2. Information about the Petition that was filed for Permanent Guardianship and/or Conservatorship (You cannot file for a Petition for Temporary Appointment unless you complete all the paperwork for the permanent appointment.)

A. Date petition was filed: _____

B. Name of court where petition was filed: _____

C. Type of order requested: (check one)

☐ Guardianship and Conservatorship; ☐ Guardianship; ☐ Conservatorship

D. Information about court hearing scheduled for that petition:

1. DATE, TIME, PLACE, OF HEARING: _____

2. NAME OF JUDICIAL OFFICER TO HEAR CASE: _____

3. Reasons for temporary appointment. The temporary appointment of a guardian and/or conservator is necessary because: (Explain why the temporary appointment is necessary.)

4. **Petitioner's relationship** to the person you say needs a guardian and/or conservator:_____

5. **Why should this court choose the person you say should be the guardian/conservator:**_____

6. **Information about person to be appointed guardian/conservator**(if different person than Petitioner)

Name:_____ Telephone:_____

Address:_____ Social Security Number:_____

Date of Birth:_____ Driver License Number:_____

Relationship to the proposed incapacitated and/or protected person:_____

7. **To the best of my knowledge**, (check one box):

- ☐ No Guardian or Conservator has been appointed in any other court, and no court proceedings are pending for such appointment;
- ☐ Someone has been appointed or court proceedings are pending (explain who, when, in what court, and if appointee is guardian or conservator):

Complete 8 and 9 only if this temporary appointment is an emergency. If this is not an emergency, skip to number 10.

8. **Emergency Situation.** This case is an emergency and the appointment is necessary without notice to the person whom I say needs the guardian and/or conservator, or his/her attorney, because (explain here in detail why this needs to be done right away and without notice)_____

9. **Physician's Report. Complete this only if the person you say needs the temporary guardian or conservator is an ADULT:** An affidavit or physician's report describing need for a guardian and/or conservator and reason for emergency

- ☐ is attached to this Petition.
- ☐ is not attached to this Petition (explain why not).

10. Persons Entitled to Notice under Arizona law, A.R.S. 14-5309 (adults), 5207 (minors) and 14-5310 (emergency) for guardians and 14-5405 (adults and minors) and 14-5401 for conservators. I have: (check one box)

☐ Given notice to the person who needs a guardian and/or conservator, or his/her attorney, or others as follows:

Name	Address	RELATIONSHIP to Person Who Needs Guardian or Conservator and how NOTICE was given
------	---------	---

- A.

- B.

- C.

- D.

OR

☐ Not given notice to the person who needs a guardian and/or conservator, or his/her attorney, or others because (explain here why no advance notice about this court case should be given). I promise I will give notice by personal service to the person who needs protection, his or her attorney, and all others required by law no later than 72 hours after the judge signs the Temporary Order:

REQUESTS TO THE COURT:

1. To find that the person about whom this petition is filed is in need of a temporary guardian and/or conservator.
2. **Check this box only if you are asking for an emergency appointment without notice, and have completed questions 9:**
☐ To find that an emergency exists and this temporary order is necessary without notice to the person I say needs the guardian and/or conservator, or his/her attorney;
3. To appoint the person identified in this petition as the temporary guardian and/or conservator for that person until a court hearing can take place on this matter, or until further order of the court.

OATH AND VERIFICATION OF PETITIONER:

STATE OF ARIZONA)
 County of Maricopa) ss.

I, the Petitioner, being duly sworn and under oath, state that I have read this petition. All the statements in the petition are true and correct and complete to the best of my knowledge and belief.

SIGNED: _____

Subscribed and sworn to before me this _____ by _____
(Month/Day/Year)

My Commission Expires:

NOTARY PUBLIC: _____

Name of Person Filing Document: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
Attorney Bar Number (if applicable): _____
Representing ☐ Self (Without a lawyer) OR ☐ Attorney for _____

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In the Matter of (check one box or both boxes)

☐ The Guardianship ☐ Conservatorship of

☐ an Adult or ☐ a Minor.

No: PB _____

**NOTICE OF HEARING REGARDING
TEMPORARY APPOINTMENT**

(Check one box)

☐ Guardianship
☐ Guardianship and Conservatorship
☐ Conservatorship

An important court proceeding that affects your rights has been scheduled. Read this Notice carefully. If you do not understand this Notice, contact a lawyer for help.

- 1. NOTICE IS GIVEN** that the Petitioner has filed a Petition and other court papers with the Court. (List the title of the Petition and the titles of all papers filed in the space below):

- 2. HEARING INFORMATION.** A court hearing has been scheduled to consider the matters in the Petition and other court papers:

HEARING DATE AND TIME: _____

HEARING PLACE: _____

JUDICIAL OFFICER: _____

- 3. RESPONSE.** You can file a written Response to the Petition. File your original written Response with the court, mail a copy of the original Response to the Petitioner(s), and provide a copy of your Response to the judicial officer named above at least 5 business days before the hearing. Or, you can appear in person at the hearing. You must appear at the hearing **only** if you wish to object to the Petition.

DATED: _____

Petitioner's Signature

Name of Person Filing Document: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
Attorney Bar Number (if applicable): _____
Representing ☐ Self (Without a Lawyer) OR ☐ Attorney for _____

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In the Matter of (check one or both)
☐ Guardianship ☐ Conservatorship of

Case Number: _____

TEMPORARY ORDER FOR

(check one box)

- ☐ Guardianship and Conservatorship
☐ Guardianship
☐ Conservatorship

☐ an Adult ☐ a Minor _____

NOTICE: This is an important court order that affects your rights. Read this order carefully. If you do not understand this order, contact an attorney for legal advice.

THE COURT FINDS:

1. **PETITION FILED.** A sworn Petition for Temporary Appointment of a Guardian and/or Conservator for the person named above was filed with the Court by the Petitioner.
2. **PERSON TO BE PROTECTED:** The person to be protected by this order:
☐ Is a **MINOR** whose welfare and best interests require the appointment of a Temporary **GUARDIAN** to provide for his or her continuing care and supervision;
☐ Is a **MINOR** for whom a Temporary **CONSERVATOR** is necessary because he or she has money or property that requires management or protection or has or may have business affairs which may be jeopardized by his minority, or the minor needs funds for his or her education and protection is necessary or desirable to obtain or provide funds.
☐ Is an **ADULT** who is incapacitated due to physical and/or mental disabilities, that he or she is unable to make or communicate responsible decisions concerning his or her person and that appointment of a Temporary **GUARDIAN** is necessary to provide for his or her continuing care and supervision,
☐ is an **ADULT** for whom a Temporary **CONSERVATOR** is necessary because he or she is unable to effectively manage or apply his or her estate due to physical and/or mental disabilities, confinement or disappearance, and that it is necessary to obtain or provide funds for the support, care, and welfare of the person to be protected and of those entitled to his or her support.
3. **NEED FOR PROTECTION.** There is sufficient evidence to support a finding of incapacity or need for protection by the person who is the subject of this order;
4. **PERSON TO SERVE AS GUARDIAN and/or CONSERVATOR:** _____
is competent to serve as: ☐ Guardian and Conservator OR ☐ Guardian OR ☐ Conservator.
5. There is no guardian or conservator appointed by a court to date, or this order replaces such other order;

6. ☐ **EMERGENCY.** An emergency exists and there is need under law for the Court to enter this order immediately;
7. ☐ **PRIOR NOTICE.** Prior notice of this order is not required to be given to the person to be protected or his or her attorney or others entitled to prior notice because all the conditions of Arizona law, ARS §14-5310 and/or 14-5401.01 have been met.
8. ☐ **MORE THAN 30 DAYS.** For good cause, this temporary appointment may be for more than 30 days, according to Arizona Law, A.R.S. § 14-5310 (D) and or 14-5401.01(D) for the following reasons:

THE COURT ORDERS:

1. **APPOINTMENT:** _____ is appointed a TEMPORARY
☐ Guardian and Conservator, OR ☐ Guardian OR ☐ Conservator of the above-named person pursuant to Arizona law ARS §14-5310 and/or 14-5401.01.
2. **LETTERS:** This Order shall be filed with the Clerk of the Court, and upon filing a bond, if required, TEMPORARY LETTERS shall be issued to the Appointee in accordance with the terms of this Order and subject to the following restrictions (if any):

3. **NOTICE:** ☐ The appointee shall give notice to the minor and his or her parents or to the protected or incapacitated person named in the caption above, and to all others, with a copy of each of the following documents:
- a. The Petition for Temporary Appointment with this Order;
 - b. The Petition for Permanent Appointment;
 - c. All reports, affidavits, or other documents filed in support of both Petitions.
4. **EMERGENCY HEARING WITHOUT NOTICE:**
☐ Personal service shall be completed no later than 72 hours after the date of this order upon the person who needs the protection, his or her attorney, and the parents of that person if the person is a minor.
5. ☐ **PROOF OF NOTICE.** Proof of Notice of Hearing shall be filed with the Clerk of the Court, Probate Registrar, as required by Arizona Law, ARS §14-5310 (B) and/or 14-5401.01(B).
6. **THE APPOINTMENT ENDS.** The Appointment shall end by:
☐ Thirty (30) days from the date of this order (if this was an emergency) ARS 14-5310(D) and/or 14-5401.01(B); OR

- ☐ When a permanent guardian and/or conservator is appointed by the court or this Court finds that there is not a need for the appointment of a guardian and/or conservator for the person alleged to be in need of protection; OR
- ☐ Within 6 months of the date of this order ARS 14-5310(H) and/or 14-5401.01(H).
- ☐ Other time period: _____

7. CHANGE OF ADDRESS. The person appointed as guardian and/or conservator shall notify this Court immediately of any change in his or her address or the person protected by this order. The appointee shall be responsible for all costs resulting from his/her failure to do so.

8. BOND:

- ☐ No Bond is required, OR
- ☐ The Guardian and/or Conservator shall file a bond in the amount of \$ _____ with the Clerk of the Court, Probate Registrar.

DONE IN OPEN COURT: _____

JUDGE OF THE SUPERIOR COURT

Name of Person Filing Document: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
Attorney Bar Number (if applicable): _____
Representing ☐ Self (Without a Lawyer) OR ☐ Attorney for _____

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In the Matter of (check one or both)
☐ Guardianship ☐ Conservatorship

☐ an Adult ☐ a Minor

Case Number: _____

**LETTERS OF APPOINTMENT
AS TEMPORARY**

(Check one box)

☐ Guardian and Conservator

☐ Guardian

☐ Conservator

**AND ACCEPTANCE OF TEMPORARY
APPOINTMENT**

ISSUANCE OF TEMPORARY LETTERS

1. **NAME OF PERSON APPOINTED:** This person is appointed _____
as: ☐ Guardian and Conservator OR ☐ Guardian OR ☐ Conservator
2. **NAME OF PERSON WHO NEEDS GUARDIAN AND/OR CONSERVATOR:**

3. **REASON FOR APPOINTMENT:** The person who needs a guardian and/or conservator is
☐ a minor OR ☐ an incapacitated adult or a ward OR ☐ a protected person
4. **LENGTH OF APPOINTMENT:** _____
5. **RESTRICTIONS** that apply to this TEMPORARY appointment, by order of the court: _____

WITNESS: _____

Clerk of the Superior Court

By: _____
Deputy Clerk

ACCEPTANCE OF TEMPORARY APPOINTMENT

State of Arizona)
Maricopa County) ss.

I accept the duties as TEMPORARY ☐ Guardian and Conservator OR ☐ Guardian OR ☐ Conservator

of _____ (name). I swear that I will perform these duties according to law.

GUARDIAN AND/OR CONSERVATOR

Subscribed and sworn to before me this date: _____ by _____

My Commission Expires: _____
Deputy Clerk/Notary Public